

**R512. Human Services, Child and Family Services.**

**R512-202. Child Protective Services, Allegation Categories.**

**R512-202-1. Authority and Purpose.**

A. Pursuant to Section 62A-4a-105, the Division of Child and Family Services (DCFS) is authorized to provide child protective services.

**R512-202-2 Categories.**

A. Qualification for Services. Referral and Investigation Allegation Categories for Abuse Neglect and Dependency . The Division worker receiving or investigating a report of child abuse, neglect, or dependency shall categorize the information into at least one of the following (more than one category may be documented, if applicable):

Abuse:

1. Child endangerment:
  - a. Cited for driving under the influence with children in the vehicle;
  - b. Homes where there are lab paraphernalia, chemicals for manufacturing of illegal drugs, access to illegal drugs, distribution of illegal drugs in the presence of a child, or loaded weapons in the reach of the child
  - c. Giving children illegal drugs or substances, alcohol, tobacco or non-prescribed/not recommended medications for that child;
  - d. Involving a child in the commission of crimes, such as shoplifting.
2. Domestic Violence Related Child Abuse:
  - a. Potential for or actual injury to a child during a domestic violence episode;
  - b. Violent physical and/or verbal altercation between adults, in the presence a child.
3. Emotional maltreatment:
  - a. General emotional maltreatment, such as a pattern or severe isolated incident of:
    - i. Demeaning or derogatory remarks;
    - ii. Parental alienation causing emotional distress to the child;
    - iii. Perception of or actual threatened harm;
    - iv. Teaching the child illegal behavior;
    - v. Severe or chronic role reversal where the child assumes the majority of adult or caregiver responsibilities;
    - vi. Custody disputes leading to multiple false reports to CPS;
4. Material harmful to a child.
5. Physical abuse:
  - a. Physical abuse, general, including (but not limited to):
    - i. Non-accidental injury to a child that may or may not be visible;
    - ii. Unexplained injuries to an infant or toddler;
    - iii. Unexplained injuries to a disabled or non-verbal child.
6. Physical abuse, serious:
  - a. Non-accidental physical injury or a set of injuries, which may or may not be visible, which seriously impairs the child's health, or which involves physical torture

or causes serious emotional harm to the child, or which involves a substantial risk of death, including:

- i. Fracture of any bone or bones;
  - ii. Intracranial bleeding, swelling, or contusion of the brain, or retinal hemorrhaging, whether caused by blows, shaking, or causing the child's head to impact with an object or surface (such as Shaken Baby Syndrome);
  - iii. A burn, including burns inflicted by hot water or those caused by placing a hot object upon the skin or body of the child;
  - iv. An injury caused by use of a deadly or dangerous weapon;
  - v. A combination of two or more physical injuries inflicted by the same person, either at the same time or on different occasions;
  - vi. Damage to internal organs of the body;
  - vii. Conduct toward a child that results in severe emotional harm, severe developmental delay or retardation, or severe impairment of the child's ability to function;
  - viii. An injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ;
  - ix. Conduct that causes a child to cease breathing, even if resuscitation is successful following the conduct;
  - x. Conduct that results in starvation or malnutrition that jeopardizes the child's life.
7. Fetal exposure to alcohol or other substances.
  8. Fetal addiction to alcohol or other harmful substances.
  9. Pediatric Condition Falsification (formerly known as Munchausen Syndrome by Proxy).

10. Sexual abuse:
  - a. Incest;
  - b. Molestation;
  - c. Sexual intercourse;
  - d. Sodomy;
  - e. Oral sexual contact;
  - f. Digital and/or object penetration;
  - g. Indecent liberties;
  - h. Sexual acts;
  - i. Rape and object rape of a child;
  - j. Forcing or coercing a child to observe sexual activities;
  - k. Sexual acts with animals;
  - l. Forcing or coercing a child to engage in sexual activity with an adult with or without legal marriage.
11. Lewdness.
12. Sexual exploitation of a child, including (but not limited to) prostitution and pornography.

13. Physical abuse, chronic
- B. Neglect:
1. Medical neglect: This allegation or finding needs to be based on the opinion of the child's primary care physician or other licensed medical professional. A parent or

guardian may obtain a second opinion to be considered in determining medical neglect, at their own expense. A parent or guardian may obtain a second medical opinion to present for consideration by DCFS, but DCFS is not bound by the opinion and shall consider the totality of the facts.

2. Baby Doe (congenital birth defect that parents or caregiver declines to treat).
  3. Failure to thrive, based on the opinion of the child's primary care physician or other licensed medical professional..
  4. Physical health.
  5. Psychological health.
  6. Dental health.
  7. Pediatric Condition Falsification (formerly known as: Munchausen Syndrome by Proxy).
  8. Physical neglect.
  9. Neglect Chronic/Severe.
  10. Sibling or child at risk.
  11. Educational neglect.. Occurs when a child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner. Sections 62A-4a-101(14)(a)(iv), 62A-4a-101(14)(b), and §78-3a-316.
  12. Failure to protect.
  13. Non-supervision.
  14. Abandonment.
  15. Environmental neglect: Physical neglect of the environment such as absence of utilities, home conditions below minimum standards, hazards, etc.
- C. Dependency: A child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. Institutionalization of a parent or guardian who has not or cannot arrange for safe and appropriate care for the child.
- D. Court ordered: When a court orders an investigation on a case when the allegation is not one of the categories listed in this rule, categorizes the allegation category as court ordered.
- E. Availability.
1. CPS Services are available in all geographic regions of the state.

**KEY: social services, child welfare, domestic violence, child abuse\***  
**62A-4a-105**